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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,844	02/19/2002	Paul A Evans	36-1522	6117
23117	7590 01/11/2006		EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR			LASHLEY, LAUREL L	
	GLEBE ROAD, 111H FL N, VA 22203	OOR	ART UNIT	PAPER NUMBER
,			2132	
			DATE MAILED: 01/11/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)		
	10/049,844	EVANS ET AL.		
Office Action Summary	Examiner	Art Unit		
	Laurel Lashley	2132		
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet w	vith the correspondence address		
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUN 36(a). In no event, however, may a will apply and will expire SIX (6) MO e, cause the application to become A	ICATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).		
Status				
1)⊠ Responsive to communication(s) filed on <u>26 O</u> 2a)⊠ This action is FINAL . 2b)□ This 3)□ Since this application is in condition for alloware closed in accordance with the practice under E	s action is non-final. nce except for formal ma			
Disposition of Claims				
4) ⊠ Claim(s) 1-11 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) 1-11 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	wn from consideration.			
Application Papers				
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	epted or b) objected to drawing(s) be held in abeya tion is required if the drawin	nnce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119	•			
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 99/307,363. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No	Summary (PTO-413) (s)/Mail Date Informal Patent Application (PTO-152)		

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DETAILED ACTION

Response to Amendments

Applicant's amendments/arguments with respect to amended claims 1 – 11 filed October
 26, 2005 have been fully considered (MPEP 714.04; 37 CFR 1.111) but they are not persuasive. Amendments to the abstract and specification have been accepted.

Response to Arguments

2. Applicant's arguments with respect to claims 1 - 11 have been considered but are not persuasive. Applicant's amendments have necessitated a new search and new grounds of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant uses the terms "unique random numbers" and "random number" interchangeably without making a distinction between the two throughout the claims. For example, claim 1, step (i) states, "... one or more unique random numbers" then claim 1, step (iii) goes on to state, "selecting a random number..." It is not clear whether the "unique random numbers" of step (i) is the same as the "random number" of step (iii). It is assumed that the "unique random numbers" and "random number" are referring to the same element, if not applicant needs to clarify the distinction between the two.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6B)

- 4. Claims 1 11 are rejected under 35 U.S.C. 103(a) as being anticipated by Perlman in US Patent No. 5,455,865 (hereinafter US '865) in view of Thomas et al. in US Patent No. 5,151,899 (hereinafter US '899).
- 5. Regarding claim 1, Perlman discloses a method of conveying a data packet over a packet network from a first server to one or more authorized recipient servers, the method comprising:
- (i) at a first server, storing a list; (ii) sending a copy of said list to an authorized recipient server by secure communication means; and (iv) sending said data packet to said authorized recipient server (see '865: Abstract; column 3, lines 5 6; column 4, lines 54 60; column 5, lines 33 40, 51 55, 58 59, 65 67 and column 7, lines 44 46),

but does not teach

a unique random numbers or random number or (iii) selecting a random number from said list and including said selected random number in a data packet to be sent wherein said selected random number has not previously been selected and included in a data packet to be sent.

Thomas et al. however does teach a unique random number or random number (see '899: column 4, lines 63 – 67; column 5, lines 12 – 20; and claim 1, steps a) and b)). Thomas et al. also teaches selecting a random number from said list and including said selected random number in a data packet to be sent wherein said selected random number has not previously

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been selected and included in a data packet to be sent (see '899: column 4, lines 67 – column 5, lines 1 – 6 and claim 1 step e)).

As it pertains to claim 4, Perlman discloses a method of conveying a data packet over a packet network from a first server to one or more authorized recipient servers, the method comprising:

- (a) receiving by secure communication means at an authorized recipient server, a list and storing it,
- (b) receiving at the authorized recipient server a data packet;
- (c) sending a message acknowledging receipt of said data packet (see '865: see Abstract; column 4, lines 54 60; column 5, lines 32 36 and 50 57; column 6, lines 35 36; column 8, lines 7 –14),

but does not teach unique random numbers or random number in a list.

Thomas et al. however does teach a unique random number or random number (see '899: column 4, lines 63 - 67; column 5, lines 12 - 20; and claim 1, steps a) and b)). Thomas also teaches wherein if said included random number is contained within said stored list of one or more unique random numbers and if said including random number not included in an earlier received data packet (see '899: column 4, lines 67 -column 5, lines 1 - 6 and claim 1 step e)).

Regarding claim 6, Perlman discloses a server arranged to convey data packet over a network, the server comprising:

a packet network interface; a store for storing a list; secure communication means for sending a copy of said stored list to a predetermined destination; selecting means operable *and* routing means operable to send said data packet to said predetermined destination via said interface (see '865: Abstract; column 7, line 15 and Fig. 2; column 3, lines 23 – 25; column 7, lines 12 – 14, 17 – 21, 25 – 27, 36 – 38 and 44 – 46).

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but does not teach a unique random number or a random number from said stored list and to include said selected random number in a data packet to be sent wherein said selected random

number has not previously been selected and included in a data packet to be sent.

Thomas et al. however does teach a unique random number or random number (see '899: column 4, lines 63 – 67; column 5, lines 12 – 20; and claim 1, steps a) and b)). Thomas et al. also teaches selecting a random number from said list and including said selected random number in a data packet to be sent wherein said selected random number has not previously been selected and included in a data packet to be sent (see '899: column 4, lines 67 – column 5, lines 1 – 6 and claim 1 step e)).

Regarding claim 10, Perlman discloses a server arranged to convey data packet over a network, the server comprising:

a packet network interface; secure communication means for receiving a list; a store for storing said received list; and acknowledging means operable (see '865: Abstract; column 3, lines 24 – 29; column 5, lines 35 – 36; column 6, lines 17 – 19 and 43 – 53; column 8, lines 7 – 14, 23 – 28 and 52 – 54) *but does not teach* unique random numbers or a random number.

Thomas et al. however does teach a unique random number or random number (see '899: column 4, lines 63 – 67; column 5, lines 12 – 20; and claim 1, steps a) and b)).

For claims 1, 4, 6 and 10 it would be obvious to one of ordinary skill in the art at the time of the invention to modify the methods of Perlman and Thomas et al. as they both use features of secure data packet transmission within the same field of endeavor (securely communicating packet data from source to destination) and with the same problem sought to be solved (ensuring the integrity of data from sender).

For claim 2, Perlman in view of Thomas et al. further discloses in step (vi) identifying the position of said selected random number within said list (see '899: column 2, lines 27 – 28;

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column 4, lines 14 – 17; and claim 1 step f)) and step (vii) re-sending said data packets to authorized recipient server if at step (vii), said sequence number does not match said identified position (see '899: column 5, lines 65 – 68).

Regarding claims 3, 5, 7, 8 and 11, Perlman in view of Thomas et al. further discloses the incorporation of an acknowledgement message with a sequence number:

where retransmission occurs after a specified time, (see '899: column 5, line 62, as performed by the flow control signal) and

is indicative of the position of said random number (see '899: column 2, lines 27 - 28 and column 4, lines 14 - 17) and

resends said data packet if said sequence number does not match the position of said random number (see '899: column 5, lines 65 –68).

For claim 9, Perlman in view of Thomas et al. discloses an alerting means (see '899: column 5, line 62, as performed by the flow control signal which requires acknowledgement request/reply).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laurel Lashley Examiner Art Unit 2132

8 December 2005

GILBERTO BARRON JT.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100